

**ASSEMBLY BILL**

**No. 1146**

**Introduced by Assembly Member Runner**

February 21, 2003

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An act to amend Section 3003 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 1146, as introduced, Runner. Parole.

Existing law provides that an inmate who is released on parole and who has suffered a conviction for certain sex offenses shall not be placed or reside, for the duration of his or her period of parole, within one-quarter mile of any school including any or all of kindergarten and grades 1 to 6, inclusive.

This bill would, in addition, prohibit an inmate who is released on parole and who has suffered a conviction for certain sex offenses from being placed or residing, for the duration of his or her period of parole, within one-quarter mile of a child care facility.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3003 of the Penal Code is amended to  
2 read:  
3 3003. (a) Except as otherwise provided in this section, an  
4 inmate who is released on parole shall be returned to the county  
5 that was the last legal residence of the inmate prior to his or her  
6 incarceration.

1 For purposes of this subdivision, “last legal residence” shall not  
2 be construed to mean the county wherein the inmate committed an  
3 offense while confined in a state prison or local jail facility or while  
4 confined for treatment in a state hospital.

5 (b) Notwithstanding subdivision (a), an inmate may be  
6 returned to another county if that would be in the best interests of  
7 the public. If the Board of Prison Terms setting the conditions of  
8 parole for inmates sentenced pursuant to subdivision (b) of Section  
9 1168, as determined by the parole consideration panel, or the  
10 Department of Corrections setting the conditions of parole for  
11 inmates sentenced pursuant to Section 1170, decides on a return to  
12 another county, it shall place its reasons in writing in the parolee’s  
13 permanent record and include these reasons in the notice to the  
14 sheriff or chief of police pursuant to Section 3058.6. In making its  
15 decision, the paroling authority shall consider, among others, the  
16 following factors, giving the greatest weight to the protection of  
17 the victim and the safety of the community:

18 (1) The need to protect the life or safety of a victim, the parolee,  
19 a witness, or any other person.

20 (2) Public concern that would reduce the chance that the  
21 inmate’s parole would be successfully completed.

22 (3) The verified existence of a work offer, or an educational or  
23 vocational training program.

24 (4) The existence of family in another county with whom the  
25 inmate has maintained strong ties and whose support would  
26 increase the chance that the inmate’s parole would be successfully  
27 completed.

28 (5) The lack of necessary outpatient treatment programs for  
29 parolees receiving treatment pursuant to Section 2960.

30 (c) The Department of Corrections, in determining an  
31 out-of-county commitment, shall give priority to the safety of the  
32 community and any witnesses and victims.

33 (d) In making its decision about an inmate who participated in  
34 a joint venture program pursuant to Article 1.5 (commencing with  
35 Section 2717.1) of Chapter 5, the paroling authority shall give  
36 serious consideration to releasing him or her to the county where  
37 the joint venture program employer is located if that employer  
38 states to the paroling authority that he or she intends to employ the  
39 inmate upon release.

(e) (1) The following information, if available, shall be released by the Department of Corrections to local law enforcement agencies regarding a paroled inmate who is released in their jurisdictions:

(A) Last, first, and middle name.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the parolee's residence location for use with a Geographical Information System (GIS) or comparable computer program.

(2) The information required by this subdivision shall come from the statewide parolee data base. The information obtained from each source shall be based on the same timeframe.

(3) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

1 (4) The unauthorized release or receipt of the information  
2 described in this subdivision is a violation of Section 11143.

3 (f) Notwithstanding any other provision of law, an inmate who  
4 is released on parole shall not be returned to a location within 35  
5 miles of the actual residence of a victim of, or a witness to, a violent  
6 felony as defined in paragraphs (1) to (7), inclusive, of subdivision  
7 (c) of Section 667.5 or a felony in which the defendant inflicts  
8 great bodily injury on any person other than an accomplice that has  
9 been charged and proved as provided for in Section 12022.53,  
10 12022.7, or 12022.9, if the victim or witness has requested  
11 additional distance in the placement of the inmate on parole, and  
12 if the Board of Prison Terms or the Department of Corrections  
13 finds that there is a need to protect the life, safety, or well-being  
14 of a victim or witness.

15 (g) Notwithstanding any other law, an inmate who is released  
16 on parole for any violation of Section 288 or 288.5 shall not be  
17 placed or reside, for the duration of his or her period of parole,  
18 within one-quarter mile of any school including any or all of  
19 kindergarten and grades 1 to 6, inclusive, *or any child care facility*.

20 (h) Notwithstanding any other law, an inmate who is released  
21 on parole for an offense involving stalking shall not be returned to  
22 a location within 35 miles of the victim's actual residence or place  
23 of employment if the victim or witness has requested additional  
24 distance in the placement of the inmate on parole, and if the Board  
25 of Prison Terms or the Department of Corrections finds that there  
26 is a need to protect the life, safety, or well-being of the victim.

27 (i) The authority shall give consideration to the equitable  
28 distribution of parolees and the proportion of out-of-county  
29 commitments from a county compared to the number of  
30 commitments from that county when making parole decisions.

31 (j) An inmate may be paroled to another state pursuant to any  
32 other law.

33 (k) (1) Except as provided in paragraph (2), the Department of  
34 Corrections shall be the agency primarily responsible for, and shall  
35 have control over, the program, resources, and staff implementing  
36 the Law Enforcement Automated Data System (LEADS) in  
37 conformance with subdivision (e).



1     (2) Notwithstanding paragraph (1), the Department of Justice  
2 shall be the agency primarily responsible for the proper release of  
3 information under LEADS that relates to fingerprint cards.

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